

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

SERGIO GUTIERREZ-HERNANDEZ
aka SERGIO GUTIERREZ HERNANDEZ aka
SERGIO GUTIERREZ aka SERGIO HERNANDEZ

Case No.

2:24-MJ-594

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 2/19/2024 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

Code Section

8 U.S.C. §§ 1326 (a) & (b)(1)

Offense Description

Illegal Re-Entry of a Removed Alien Subsequent to Conviction for Commission
of a Felony

This criminal complaint is based on these facts:

see attached affidavit

☒ Continued on the attached sheet.


Complainant's signature

Santiago Quintero, Deportation Officer (ICE)
Printed name and title

Sworn to before me and signed in my presence.

By phone

Date: December 26, 2024

City and state: Columbus, Ohio


Elizabeth A. Preston Deavers
United States Magistrate Judge


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

**IN THE MATTER OF THE CRIMINAL
COMPLAINT OF:**)

SERGIO GUTIERREZ-HERNANDEZ)
aka SERGIO GUTIERREZ HERNANDEZ)
aka SERGIO GUTIERREZ)
aka SERGIO HERNANDEZ)

Case No.

0:24 MJ. 594

**AFFIDAVIT IN
SUPPORT OF A CRIMINAL COMPLAINT**

I, United States (U.S.) Immigration and Customs Enforcement (ICE) Deportation Officer,
Santiago Quintero, being first duly sworn, depose and state as follows:


1. I am a Deportation Officer with more than five years of experience as a Deportation Officer with the U.S. Immigration and Customs Enforcement (ICE) and as a Customs and Border Protection Officer with the U.S. Customs and Border Protection. I am assigned to the Office of Enforcement and Removal Operations located in Westerville, Ohio. I have investigated both criminal and administrative matters involving aliens in the U.S. I have successfully completed the Deportation Officer Training Program as well as the Customs and Border Protection Officer Basic Training Program at the Federal Law Enforcement Training Center (FLETC) located in Glynco, Georgia.
2. While investigating SERGIO GUTIERREZ-HERNANDEZ (GUTIERREZ-HERNANDEZ), I have learned the following facts:
3. GUTIERREZ-HERNANDEZ is a citizen of Mexico and not a citizen of the U.S.
4. On or about September 18, 2018, the United States Border Patrol (USBP) arrested GUTIERREZ-HERNANDEZ at or near Nogales, Arizona and processed him for Expedited Removal. On or about September 19, 2018, the USBP served GUTIERREZ-HERNANDEZ with Immigration Form I-860 (Notice and Order of Expedited Removal), charging inadmissibility pursuant to Immigration and Nationality Act § 212(a)(7)(A)(i)(I). On or about September 20, 2018, the USBP physically removed GUTIERREZ-HERNANDEZ from the United States through Nogales, Arizona. On or about that date, GUTIERREZ-HERNANDEZ surrendered his fingerprint and photo for Immigration Form I-296 (Notice to Alien Ordered

Removed/ Departure Verification) of which he signed. GUTIERREZ-HERNANDEZ's departure was witnessed and Form I-296 was signed by an Immigration Officer.

5. On or about September 20, 2018, the United States District Court - District of Arizona convicted GUTIERREZ-HERNANDEZ of violating Title 8 U.S. Code § 1325(a)(1), Improper Entry by Alien, and sentenced him to 2 days imprisonment.
6. On or about June 22, 2019, the USBP arrested GUTIERREZ-HERNANDEZ at or near Calexico, California and processed him for Reinstatement of Removal. On or about June 23, 2019, the USBP served GUTIERREZ-HERNANDEZ with Immigration Form I-871 (Notice of Reinstatement of Prior Removal Order). On or about June 23, 2019, the USBP physically removed GUTIERREZ-HERNANDEZ from the United States through Calexico, California. On or about that date, GUTIERREZ-HERNANDEZ surrendered his fingerprint and photo for Immigration Form I-205 (Warrant of Removal/Deportation) of which he signed. GUTIERREZ-HERNANDEZ's departure was witnessed and Form I-205 was signed by an Immigration Officer.
7. On or about July 18, 2019, the USBP arrested GUTIERREZ-HERNANDEZ at or near El Paso, Texas, and processed him for Reinstatement of Removal. On or about July 18, 2019, the USBP served GUTIERREZ-HERNANDEZ with Immigration Form I-871 (Notice of Reinstatement of Prior Removal Order). On or about July 18, 2019, the USBP physically removed GUTIERREZ-HERNANDEZ from the United States through El Paso, Texas. On or about that date, GUTIERREZ-HERNANDEZ surrendered his fingerprint and photo for Immigration Form I-205 (Warrant of Removal/Deportation) of which he signed. GUTIERREZ-HERNANDEZ's departure was witnessed and Form I-205 was signed by an Immigration Officer.
8. On or about July 30, 2019, the USBP arrested GUTIERREZ-HERNANDEZ at or near El Paso, Texas, and processed him for Reinstatement of Removal. On or about July 31, 2019, the USBP served GUTIERREZ-HERNANDEZ with Immigration Form I-871 (Notice of Reinstatement of Prior Removal Order).
9. On or about September 24, 2019, the United States District Court – Western District of Texas convicted GUTIERREZ-HERNANDEZ of violating Title 8 U.S. Code § 1326(a), Reentry of Removed Aliens, which is punishable by a term of imprisonment of more than one year. On or about September 26, 2019, the USBP physically removed GUTIERREZ-HERNANDEZ from the United States through El Paso, Texas. On or about that date, GUTIERREZ-HERNANDEZ surrendered his fingerprint and photo for Immigration Form I-205 (Warrant of Removal/Deportation) of which he signed. GUTIERREZ-HERNANDEZ's departure was witnessed and Form I-205 was signed by an Immigration Officer.
10. On or about February 19, 2024, the Columbus Division of Police arrested GUTIERREZ-HERNANDEZ on misdemeanor domestic violence charges in Columbus, Ohio. On or about February 20, 2024, the Franklin County Sheriff's Office in Columbus, Ohio submitted GUTIERREZ-HERNANDEZ's fingerprints to the Law Enforcement Support Center (LESC) in Williston, VT. The LESC queried GUTIERREZ-HERNANDEZ's fingerprints in

immigration databases and confirmed GUTIERREZ-HERNANDEZ's identity as well as his inadmissibility to the U.S. The LESC then returned an electronic notification to ICE Columbus, Ohio notifying ICE Columbus that GUTIERREZ-HERNANDEZ is residing in the U.S. without lawful status and that GUTIERREZ-HERNANDEZ has not been granted permission from the Attorney General of the U.S. or the Secretary of the U.S. Department of Homeland Security to reenter the U.S. On or about February 20, 2024, ICE Columbus placed an Immigration Form I-247A (Immigration Detainer – Notice of Action) for GUTIERREZ-HERNANDEZ at the Franklin County Jail (FCJ) in Columbus, Ohio. However, the FCJ released GUTIERREZ-HERNANDEZ on or about April 11, 2024, and GUTIERREZ-HERNANDEZ became an at large priority.

11. On December 11, 2024, ICE officers encountered GUTIERREZ-HERNANDEZ at the Franklin County Municipal Court probation office in Columbus, Ohio. It was determined after a verification of records and fingerprints that GUTIERREZ-HERNANDEZ had previously been ordered removed from the United States and that he is subject to prosecution for illegal re-entry, having been found in the United States after being barred from reentering at any time following his most recent removal in 2019 and felony conviction.
12. Your Affiant uses the above facts to establish probable cause for a violation of Title 8 U.S. Code §§ 1326 (a) and (b)(1), an alien who: (1) has been denied admission, excluded, deported, or removed, or has departed the U.S. while an order of exclusion, deportation or removal is outstanding following a conviction for a felony; (2) thereafter entered, attempted to enter, or at any time was found in the U.S.; and (3) did not have consent from the Attorney General to reapply for admission to the U.S. prior to either his re-embarkation at a place outside the U.S. or his application for admission from a foreign contiguous territory.


Santiago Quintero
Deportation Officer
Immigration and Customs Enforcement

Sworn before me and subscribed in my presence on this 26th day of December 2024.


Elizabeth A. Preston Deavers
United States Magistrate Judge

